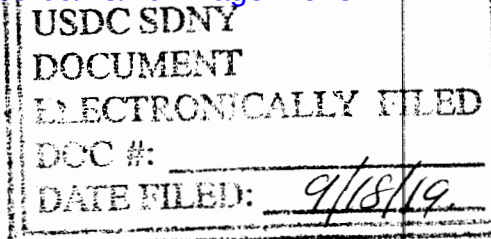


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

ALBERTO DANIEL BATEN ROJAS,	:	
	:	
Plaintiff,	:	17 Civ. 2929 (HBP)
	:	
-against-	:	OPINION
	:	<u>AND ORDER</u>
PIZZA PETE'S LLC, d/b/a	:	
"Pizza Pete's," <u>et al.</u> ,	:	
	:	
Defendants.	:	
	:	
-----X		

PITMAN, United States Magistrate Judge:

Plaintiff brings this action under the Fair Labor Standards Act (the "FLSA"), 29 U.S.C. §§ 201 et al., and the New York Labor Law (the "NYLL") seeking to recover the difference between what he was actually paid and the applicable minimum wage, unpaid overtime premium pay and other damages. Specifically, plaintiff alleges that he was not paid the applicable minimum wage for all the hours he worked, was not paid overtime premium pay at the rate of 150% of his regular hourly rate for the hours he worked in excess of 40 hours per week, did not receive the "spread-of-hours" pay required by the NYLL for those days on which the difference between his start and finish times exceeded ten hours and did not receive the wage statements and wage notices required by the NYLL. The parties have now reached a settlement and the matter is before me on the parties' joint application for approval of the settlement. All parties have

consented to my exercising plenary jurisdiction pursuant to 28 U.S.C. § 636(c).

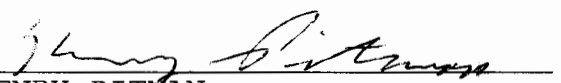
On September 3, 2019, I issued an Opinion and Order in this matter approving the parties' settlement except for counsel's fees request. Counsel sought a fee of one-third of the settlement amount which was almost three times his lodestar figure. I advised counsel in my September 3 Opinion and Order that I would approve the settlement if counsel reduced his fee to twice his lodestar figure or \$22,298.50 plus costs.

By letter dated September 13, 2019 (Docket Item 61), plaintiff's counsel has advised that he has agreed to modify the settlement agreement to reduce the amount allocated to attorney's fees to \$22,298.50, with the difference between that figure and the amount originally sought as fees being remitted to plaintiff.

Accordingly, the settlement agreement in this matter, as modified by plaintiff's letter dated September 13, 2019 (Docket Item 61), is approved. This matter is dismissed with prejudice and without costs. The Clerk of the Court is respectfully requested to mark this matter closed.

Dated: New York, New York
September 18, 2019

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

All Counsel